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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
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Alexandria, Virginia 22313-1450

on 4 April, 2005.

  
Donald E. Schreiber

Dated: 4 April, 2005

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Serial No. : 10/619,814 Confirmation No. 7651  
Applicant : Yong Qin Chen, et al.  
Filed : July 15, 2003  
Title : COMPENSATING FOR CHROMATIC  
DISPERSION IN OPTICAL FIBERS  
TC/A.U. : 2874  
Examiner : Sung H. Pak  
Docket No. : 2219  
Customer No.: 23320

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

Sir:

SUBMISSION OF  
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

On March 29, 2005, the International Preliminary Examination Authority of the United States Patent and Trademark Office ("IPEA/US") issued an International Preliminary Examination Report for Patent Cooperation Treaty ("PCT") International Patent Application PCT/US2003/021927 ("the PCT patent application"). A

copy of the International Preliminary Examination Report is attached to this correspondence.

The PCT patent application corresponds to the United States patent application identified above. The PCT patent application was filed with the Receiving Office ("RO") of the USPTO on the same date as the patent application identified above. The claims of the PCT patent application are word-for-word identical to the claims now pending in this patent application.

On March 8, 2005, the United States Patent and Trademark Office ("USPTO") issued an Office Action for the patent application identified above which rejected all claims now pending in this United States patent application. The rejection which appears in the March 8, 2004, Office Action applies to the claims pending in this United States patent application the same reference, i.e. Shirasaki, et al (US 2002/0044364), as the reference applied to the claims of the PCT patent application in a Preliminary Written Opinion in International Preliminary Examination issued by the International Preliminary Examination Authority on August 5, 2004.

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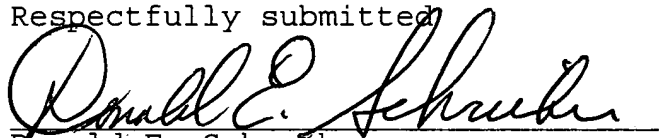
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Because the IPEA/US issued the attached International Preliminary Examination Report after the USPTO issued the March 8, 2005, Office Action, because the International Preliminary Examination Report finds all claims pending in the PCT patent application to be patentable, and because the reference applied to the PCT patent application in the August 4, 2004, Preliminary Written Opinion is the same as the reference applied in the March 8, 2005, Office Action in rejecting the claims now pending in this United States patent application, perhaps the March 8, 2005, Office Action for this United States patent application should be withdrawn, and a new Office Action issued.

Respectfully submitted

  
Donald E. Schreiber  
Reg. No. 29,435

Dated: 4 April, 2005

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Attorney for Applicants



# PATENT COOPERATION TREATY

From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
DONALD E. SCHREIBER  
DONALD E. SCHREIBER A PROFESSIONAL  
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KINGS BEACH, CA 96143-2926

## PCT

### NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing  
(day/month/year)

29 MAR 2005

Applicant's or agent's file reference

2219PCT

#### IMPORTANT NOTIFICATION

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US03/21927

15 July 2003 (15.07.2003)

16 July 2002 (16.07.2002)

Applicant

CHEN, YONG QIN

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Form PCT/IPEA/416 (July 1992)

Authorized officer

Sung H. Pak

Telephone No. 571-272-2353

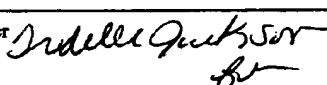


## PATENT COOPERATION TREATY

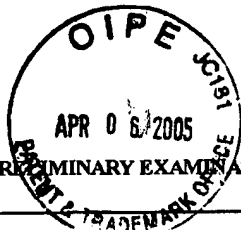
## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2219PCT	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/US03/21927	International filing date (day/month/year) 15 July 2003 (15.07.2003)	Priority date (day/month/year) 16 July 2002 (16.07.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): G02B 6/26 and US Cl.: 385/31		
Applicant CHEN, YONG QIN		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p> <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 09 January 2004 (09.01.2004)	Date of completion of this report 03 March 2005 (03.03.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Sung H. Pak Telephone No. 571-272-2353	

Form PCT/IPEA/409 (cover sheet)(July 1998)



## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/21927

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-23 \_\_\_\_\_ as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 24-28 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages 1-8 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages NONE \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under Item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US03/21927**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-30</u>	YES
	Claims <u>NONE</u>	NO

**2. CITATIONS AND EXPLANATIONS**

Claims 1-30 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a chromatic dispersion compensator, wherein a collimated light enters the entrance window of a phaser, in which the phaser angularly disperses the collimated light in a banded pattern that is emitted from the phaser, wherein the compensator further comprises a light returning means that returns the angularly dispersed banded pattern light back into the phaser such that the light is exited from the phaser near the entrance window, as claimed in the instant application.

Claims 1-30 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.